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HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :2825 of 2006

DATED:16-02-2006

Between:

T.Sankar Reddy

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep by its Principal Secretary,

Transport Department Secretariat Buildings, Hyderabad, and 2 others

.....RESPONDENTS

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ORAL ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for respondents.

This writ petition has been filed questioning the seizure of the petitioner's lorry bearing No.AP02-T-0345 as illegal, arbitrary and unjust, and for a consequential direction to the third respondent herein to release the said vehicle to the petitioner.

A reading of the vehicle check report dated 31-01-2006 indicates that the allegations are made with regard to violation of the provisions of the Motor Vehicles Act and A.P. Motor Vehicles Taxation Act. So far the said aspects on the alleged violation are concerned, it is a matter for enquiry by the competent authority. However, as the vehicle will be subjected to the vagaries of nature, the same can be released pending enquiry by the competent authority.

Having regard to the nature of allegations, this writ petition is disposed of directing the respondents to release the seized lorry bearing No.AP02-T-0345 to the petitioner on deposit of an amount of Rs.10,000/- (Rupees ten thousand only) by the petitioner with the second respondent and on furnishing an undertaking by the petitioner that the vehicle in question shall not be sold or transferred and will be produced as and when required pending the enquiry to be conducted by the authorities concerned. The payment of the amount of Rs.10,000/- pursuant to this order shall be subject to the outcome of the enquiry and passing of the final order by the competent authority. No order as to costs.

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16th February, 2006

Note:

Furnish C.C.by tomorrow.

B/o.

SKM